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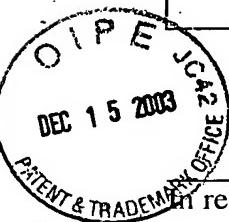
Dated: December 11, 2003

Signature:

Nabeela R. McMillian

Docket No.: 27636/39666
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



re Patent Application of: Qin et al.

Application No.: 10/722,371

Group Art Unit: Not Yet Assigned

Filed: November 24, 2003

Examiner: Not Yet Assigned

For: METHODS OF PRODUCING AND
PURIFYING RECOMBINANT ALPHA-L-
IDURONIDASE

PETITION TO ACCORD PROPER FILING DATE OF APPLICATION

Deputy Commissioner for Patents
Examination Policy
Office of Patent Legal Administration
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

The Applicants file this petition to request correction of the filing date accorded the above referenced application.

I. Statement of Facts

1. The referenced application was filed November 24, 2003. Pursuant to 37 C.F.R. §1.10, Applicants filed the Application and related papers using "Express Mail" with the U.S. Postal Service, under Express Mail label EV 233 435 399 US.

2. A copy of the original Express Mail label marked by U.S. Postal Service personnel is attached as **Exhibit A**. This copy of the label shows the date of receipt of the application by the U.S. Postal Service was 11/24/2003 as evidenced by the entry in box entitled "Date In."

3. The Express Mail label number was included on the utility patent application transmittal, the fee transmittal sheet, and the cover page of the patent application. Each of these pages as filed are attached as **Exhibit B**.

4. Attached as **Exhibit C** is a printout from the U.S. Postal Service Track and Confirm website, which also indicates that the "ACCEPTANCE" date of the documents shipped under Express Mail label number EV 233 435 399 US was November 24, 2003.

5. Nabeela R. McMillian directly deposited the application papers with an employee of the United States Postal Service. (See attached declaration from Nabeela R. McMillian, **Exhibit D**).

6. Along with the filing paper, Applicants submitted a postcard itemizing the papers transmitted therewith. The postcard was returned, acknowledging receipt of the papers by the United States Patent and Trademark Office and indicating the serial number and filing date accorded to the application. (Attached as **Exhibit E**). This returned postcard was received by the undersigned representatives on December 11, 2003.

7. Nabeela R. McMillian became aware that the wrong date was accorded by reviewing the returned postcard on December 11, 2003. The returned postcard indicates that the Serial No. accorded the application is 10/722,371 and indicates that the filing date is "112503," which denotes a filing date of November 25, 2003.

II. Legal Authority upon Which Instant Petition is based

The statutory authority for the granting of a filing date based on the date of deposit for correspondence sent by "Express Mail" and received by the Office is found in 35 U.S.C. §21(a). The Commissioner may by rule prescribe that any paper or fee required to be filed in the Patent and Trademark Office will be considered filed in the Office on the date on which it was deposited with the United States Postal Service.

37 C.F.R. §1.10(a) provides that any correspondence received by the Patent and Trademark Office (Office) that was delivered by the "Express Mail Post Office to

"Addressee" service of the United States Postal Service (USPS) will be considered filed in the Office on the date of deposit with the USPS, which is shown by the "date-in" on the "Express Mail" mailing label. According to 37 C.F.R. §1.10(b), to be accorded the Express Mailing date as the date of deposit, the correspondence should be directly deposited with an employee of the USPS to ensure that the person depositing the correspondence receives a legible copy of the "Express Mail" mailing label with the "date-in" clearly marked.

37 C.F.R. §1.10(c) authorizes petition to the Commissioner to accord the correspondence a filing date as of the "date-in" on the "Express Mail" mailing label if that person can show that there is a discrepancy between the filing date accorded by the Office to the correspondence and the date of deposit as shown by the "date-in" on the "Express Mail," provided that:

(1) The petition is filed promptly after the person becomes aware that the Office has accorded, or will accord, a filing date other than the USPS deposit date;

(2) The number of the "Express Mail" mailing label was placed on the paper(s) or fee(s) that constitute the correspondence prior to the original mailing by "Express Mail;" and

(3) The petition includes a true copy of the "Express Mail" mailing label showing the "date-in," and of any other official notation by the USPS relied upon to show the date of deposit.

III. Requested Relief and Reasons Relief Should be Granted

This petition is filed, pursuant to §1.10, to obtain correction of the filing date for the instant application to date of deposit of the application in "Express Mail" rather than the date accorded to the application by the Office.

The instant application was filed on November 24, 2003 (factual paragraph 1). Applicants used the "Express Mail" procedures sanctioned in 37 C.F.R. §1.10 to file the application, and filed the application under Express Mail Label No. EV 233 435 933 US (factual paragraphs 2-4). Pursuant to 37 C.F.R. §1.10(c)(3), a true copy of the Express Mail Label No. EV 233 435 933 US is attached as **Exhibit A**. The number of this Express Mail

label was affixed to each of the documents that was filed with the application (factual paragraph 3).

The application was directly deposited with an employee of the USPS at the Downtown Chicago Main Post Office by Nabeela R. McMillian on November 24, 2003 (factual paragraph 5). The USPS employee marked the “date in” box of the Express Mail label as “11/24/03”

On December 11, 2003, the undersigned representative received the returned copy of the postcard that was enclosed with the application papers acknowledging receipt of the Application papers. On December 11, 2003, the undersigned representative reviewed the postcard and noted that the filing date accorded to the instant application was November 25, 2003, and not the Express Mailing date, which was November 24, 2003. Thus, the undersigned representative has become aware that the Office will accord a filing date other than the USPS Express Mail deposit date. The instant petition is being filed promptly on December 11, 2003, and is believed to be timely filed within the requirements of 37 C.F.R. §1.10(c)(1).

In view of the above factual assertions and explanation, Applicants assert that the correct filing date for the instant application is November 24, 2003 and Applicants petition the Deputy Commissioner for Patents Examination Policy to review the instant matter and accord the Express Mailing date of November 24, 2003 as the filing date of the instant application. A petition fee in the amount of \$130.00 is attached.

IV. Conclusions

Applicants believe that the facts show that the filing date of the instant application is November 24, 2003 and not November 25, 2003 as listed on the returned receipt postcard. Therefore, Applicants request that Deputy Commissioner for Patents Examination Policy grant this petition and correct the records at the United States Patent and Trademark Office to reflect the correct filing date of the application. No additional fees are believed to be due with the filing of a petition, however, should a fee be deemed necessary in

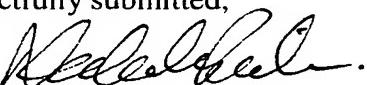
Application No: 10/722,371
Petition Pursuant to 37 C.F.R. §1.10(c)
To review and correct filing date of application

Docket No.: 30610/30009A

connection with the filing of this petition the Commissioner is hereby authorized to deduct such a fee from Marshall, Gerstein and Borun LLP account number 13-2855.

Dated: December 11, 2003

Respectfully submitted,

By 

Nabeela R. McMillian

Registration No.: 43,363
MARSHALL, GERSTEIN & BORUN LLP
233 S. Wacker Drive, Suite 6300
Sears Tower
Chicago, Illinois 60606-6357
(312) 474-6300
Attorneys for Applicants

 EV 233435399 US			Customer Copy Label 11-F June 2002  UNITED STATES POSTAL SERVICE® Post Office To Addressee																													
ORIGIN (POSTAL USE ONLY) <table border="1"> <tr> <td>PO ZIP Code <i>10017</i></td> <td>Day of Delivery <input type="checkbox"/> Next <input checked="" type="checkbox"/> Second</td> <td>Flat Rate Envelope <input type="checkbox"/></td> </tr> <tr> <td>Date In <i>11-24-03</i></td> <td>Time In <i>PM</i></td> <td>Postage <i>\$17.85</i></td> </tr> <tr> <td>Mo-Sat Day Year</td> <td><input type="checkbox"/> 12 Noon <input type="checkbox"/> 3 PM</td> <td>Return Receipt Fee <input type="checkbox"/></td> </tr> <tr> <td>Time In <i>11-24-03</i></td> <td><input type="checkbox"/> PM <input type="checkbox"/> 2nd Day <input type="checkbox"/> 3rd Day</td> <td>COD Fee <input type="checkbox"/></td> </tr> <tr> <td>Weight <i>1 lbs.</i></td> <td>Int'l Alpha Country Code <i>X</i></td> <td>Insurance Fee <input type="checkbox"/></td> </tr> <tr> <td>No Delivery <input type="checkbox"/> Weekend <input type="checkbox"/> Holiday</td> <td>Acceptance Clerk Initials <i>X</i></td> <td>Total Postage & Fees <i>\$ 17.85</i></td> </tr> </table>			PO ZIP Code <i>10017</i>	Day of Delivery <input type="checkbox"/> Next <input checked="" type="checkbox"/> Second	Flat Rate Envelope <input type="checkbox"/>	Date In <i>11-24-03</i>	Time In <i>PM</i>	Postage <i>\$17.85</i>	Mo-Sat Day Year	<input type="checkbox"/> 12 Noon <input type="checkbox"/> 3 PM	Return Receipt Fee <input type="checkbox"/>	Time In <i>11-24-03</i>	<input type="checkbox"/> PM <input type="checkbox"/> 2nd Day <input type="checkbox"/> 3rd Day	COD Fee <input type="checkbox"/>	Weight <i>1 lbs.</i>	Int'l Alpha Country Code <i>X</i>	Insurance Fee <input type="checkbox"/>	No Delivery <input type="checkbox"/> Weekend <input type="checkbox"/> Holiday	Acceptance Clerk Initials <i>X</i>	Total Postage & Fees <i>\$ 17.85</i>	DELIVERY (POSTAL USE ONLY) <table border="1"> <tr> <td>Delivery Attempt Mo. Day</td> <td>Time <input type="checkbox"/> AM <input type="checkbox"/> PM</td> <td>Employee Signature</td> </tr> <tr> <td>Delivery Attempt Mo. Day</td> <td>Time <input type="checkbox"/> AM <input checked="" type="checkbox"/> PM</td> <td>Employee Signature</td> </tr> <tr> <td>Delivery Date Mo. Day</td> <td>Time <input type="checkbox"/> AM <input type="checkbox"/> PM</td> <td>Employee Signature</td> </tr> </table> <p>WAIVER OF SIGNATURE (Delivery Only) Additional merchandise insurance is void if waiver of signature is requested. I wish delivery to be made without obtaining signature of addressee or addressee's agent if delivery employee judges that article can be left in secure location and I authorize that delivery employee's signature constitutes valid proof of delivery.</p> <p>NO DELIVERY <input type="checkbox"/> Weekend <input type="checkbox"/> Holiday <input type="checkbox"/> Customer Signature</p>			Delivery Attempt Mo. Day	Time <input type="checkbox"/> AM <input type="checkbox"/> PM	Employee Signature	Delivery Attempt Mo. Day	Time <input type="checkbox"/> AM <input checked="" type="checkbox"/> PM	Employee Signature	Delivery Date Mo. Day	Time <input type="checkbox"/> AM <input type="checkbox"/> PM	Employee Signature
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**UTILITY
PATENT APPLICATION
TRANSMITTAL**

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No. 30610/30009A

First Inventor Minmin Qin

Title METHODS OF PRODUCING AND PURIFYING
RECOMBINANT α -L IDURONIDASE

Express Mail Label No. EV 233435399 US

APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

1. Fee Transmittal Form (e.g., PTO/SB/17)
(Submit an original, and a duplicate for fee processing)
2. Applicant claims small entity status.
See 37 CFR 1.27.
3. Specification [Total Pages 52]
(preferred arrangement set forth below)
 - Descriptive title of the invention
 - Cross Reference to Related Applications
 - Reference to sequence listing, a table, or a computer program listing appendix
 - Background of the Invention
 - Brief Summary of the Invention
 - Brief Description of the Drawings (if filed)
 - Detailed Description
 - Claim(s)
 - Abstract of the Disclosure
 - Sequence Listing (Paper)
4. Drawing(s) (35 U.S.C. 113) [Total Sheets 20]
5. Oath or Declaration [Total Sheets]
- a. Newly executed (original or copy)
- b. Copy from a prior application (37 CFR 1.63(d))
(for continuation/divisional with Box 18 completed)
 - i. **DELETION OF INVENTOR(S)**
Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).
6. Application Data Sheet. See 37 CFR 1.76

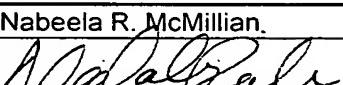
18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in the first sentence of the specification following the title, or in an Application Data Sheet under 37 CFR 1.76:

 Continuation Divisional Continuation-in-part (CIP) of prior application No.: 09/993,038

Prior application information: Examiner Munjunath N. Rao Art Unit: 1652

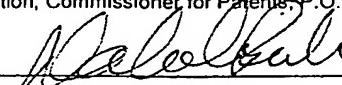
For CONTINUATION or DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

19. CORRESPONDENCE ADDRESS

<input type="checkbox"/> Customer Number or Bar Code Label	04743			or <input checked="" type="checkbox"/> Correspondence address below
Name	MARSHALL, GERSTEIN & BORUN Nabeela R. McMillian			
Address	233 S. Wacker Drive, Suite 6300 Sears Tower			
City	Chicago	State	IL	Zip Code 60606-6357
Country	US	Telephone	(312) 474-6300	Fax (312) 474-0448
Name (Print/Type)	Nabeela R. McMillian.	Registration No. (Attorney/Agent)	43,363	
Signature				Date November 24, 2003

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as Express Mail, Airbill No. EV 233435399 US, in an envelope addressed to: Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Dated: November 24, 2003

Signature: 

(Nabeela R. McMillian)

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FEE TRANSMITTAL for FY 2003

Patent fees are subject to annual revision.

 Applicant claims small entity status. See 37 CFR 1.27TOTAL AMOUNT OF PAYMENT (\$)
NONE

Complete if Known

Application Number	Not Yet Assigned
Filing Date	November 24, 2003
First Named Inventor	Minmin Qin
Examiner Name	Not Yet Assigned
Group Art Unit	1652
Attorney Docket No.	30610/30009A

METHOD OF PAYMENT (check all that apply)

Check Credit Card Money Order Other None

Deposit Account

Deposit Account Number
13-2855Deposit Account Name
MARSHALL, GERSTEIN & BORUN

The Commissioner is hereby authorized to: (check all that apply)

- Charge fee(s) indicated below Credit any overpayments
- Charge any additional fee(s) under 37 C.F.R. §§ 1.16 or 1.17 during the pendency of this application
- Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

THIS APPLICATION IS BEING FILED WITHOUT PAYMENT OF FILING FEE. APPLICANTS REQUEST A NOTIFICATION TO FILE MISSING PARTS AT WHICH POINT THE FEE WILL BE FURNISHED

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity	Small Entity	Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code (\$)	
1051	130	2051	65 Surcharge - late filing fee or oath
1052	50	2052	25 Surcharge - late provisional filing fee or cover sheet
1053	130	1053	130 Non-English specification
1812	2,520	1812	2,520 For filing a request for ex parte reexamination
1804	920*	1804	920* Requesting publication of SIR prior to Examiner action
1805	1,840*	1805	1,840* Requesting publication of SIR after Examiner action
1251	110	2251	55 Extension for reply within first month
1252	410	2252	205 Extension for reply within second month
1253	930	2253	465 Extension for reply within third month
1254	1,450	2254	725 Extension for reply within fourth month
1255	1,970	2255	985 Extension for reply within fifth month
1401	320	2401	160 Notice of Appeal
1402	320	2402	160 Filing a brief in support of an appeal
1403	280	2403	140 Request for oral hearing
1451	1,510	1451	1,510 Petition to institute a public use proceeding
1452	110	2452	55 Petition to revive - unavoidable
1453	1,300	2453	650 Petition to revive - unintentional
1501	1,300	2501	650 Utility issue fee (or reissue)
1502	470	2502	235 Design issue fee
1503	630	2503	315 Plant issue fee
1460	130	1460	130 Petitions to the Commissioner
1807	50	1807	50 Processing fee under 37 CFR 1.17(q)
1806	180	1806	180 Submission of Information Disclosure Stmt
8021	40	8021	40 Recording each patent assignment per property (times number of properties)
1809	750	2809	375 Filing a submission after final rejection (37 CFR 1.129(a))
1810	750	2810	375 For each additional invention to be examined (37 CFR 1.129(b))
1801	750	2801	375 Request for Continued Examination (RCE)
1802	900	1802	900 Request for expedited examination of a design application
		1614:	Claims - extra independent (over three);
		1615:	Claims - extra total (over 20); Claims -
		1616:	multiple dependent

SUBTOTAL (1) (\$)
375.00

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$)

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Extra Claims	Fee from below	Fee Paid
Total Claims 7	-20** = 0 x _____	= -
Independent Claims 1	-3** = 0 x _____	= -
Multiple Dependent		= -

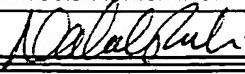
Large Entity	Small Entity	Fee Description
Fee Code	Fee (\$)	
1202	18	2202 9 Claims in excess of 20
1201	84	2201 42 Independent claims in excess of 3
1203	280	2203 140 Multiple dependent claim, if not paid
1204	84	2204 42 ** Reissue independent claims over original patent
1205	18	2205 9 ** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$)
375.00

**or number previously paid, if greater; For Reissues, see above

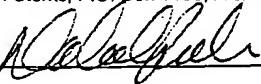
SUBMITTED BY

Complete (if applicable)

Name (Print/Type)	Nabeela R. McMillian	Registration No. (Attorney/Agent)	43,363	Telephone	(312) 474-6300
Signature				Date	November 24, 2003

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Dated: November 24, 2003

Signature:  (Nabeela R. McMillian)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
APPLICATION FOR UNITED STATES LETTERS PATENT

Title:

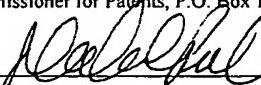
METHODS OF PRODUCING AND PURIFYING RECOMBINANT α -L IDURONIDASE

Inventors:

Minnin Qin	Pleasanton, CA
Wai-Pan Chan	Castro Valley, CA
Lin Chen	San Francisco, CA
Paul A. Fitzpatrick	Albany, CA
John M. Henstrand	Davis, CA
Dan J. Wendt	Walnut Creek, CA
Gary N. Zecherle	Novato, CA
Christopher M. Starr	Sonoma, CA
Emil D. Kakkis	Novato, CA

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Dated: November 24, 2003

Signature: 

(Nabeela R. McMillian)



Track & Confirm

Shipment Details

You entered EV23 3435 399U S

Your item was delivered at 10:15 am on November 26, 2003 in ALEXANDRIA, VA 22313 to PATENT OFFICE. The item was signed for by R REGISTER.

Here is what happened earlier:

- ARRIVAL AT UNIT, November 26, 2003, 9:03 am, DULLES, VA 20102
- ENROUTE, November 25, 2003, 12:25 am, CHICAGO, IL 60607
- ACCEPTANCE, November 24, 2003, 11:47 pm, CHICAGO, IL 60607

Notification Options

► **Track & Confirm by email**

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PATENT
ATTORNEY DOCKET NO. 30610/30009A

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Qin *et al.*

Serial No: 10/722,371

Filed: November 24, 2003

Title: METHODS OF PRODUCING
AND PURIFYING RECOMBINANT
ALPHA-L-IDURONIDASE

Group Art Unit: Not Yet Assigned

Examiner: Not Yet Assigned

I hereby certify that this paper is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Deputy Commissioner for Patents Examination Policy, Office of Patent Legal Administration, P.O. Box 1450, Alexandria, VA 22313-1450 on December 11, 2003



Nabeela R. McMillian
Reg. No. 43,363
Attorney for Applicants

**DECLARATION OF NABEELA R. MCMILLIAN TO PROVIDE FACTS RELATING
TO DEPOSIT OF APPLICATION UNDER EXPRESS MAIL LABEL EV 233 435 399 US**

Deputy Commissioner for
Patents Examination Policy
Office of Patent Legal Administration
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

I, Nabeela R. McMillian, do hereby declare and state as follows:

1. I am an attorney of record for the above-referenced application.

2. I filed the above-reference application on November 24, 2003 and directly deposited the application with an employee of the United States Postal Service (USPS) at the United States Post Office located at 433, West Harrison Street, IL 60607.

3. I filed the application by Express Mail and used a "Post Office to Addressee" Express Mail label to do so. The number of that label was EV 233 435 399 US. I included the Express Mail label number on the utility patent application transmittal, the fee transmittal sheet, and the specification cover page that was filed with the application. The Express Mail label number also was typed onto a stamped postcard containing the address of the Applicants' representatives.

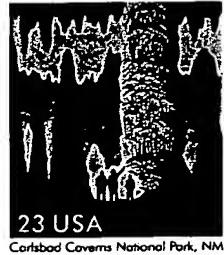
4. The USPS employee who took delivery of the Express Mail package containing the application papers handwrote the date of receipt of the package into the "date in" box on the Express mail label and returned to me the Customer Copy of the Express Mail Label. A copy of that label is being attached to the petition that accompanies this declaration, and indicates that the date of receipt was "11/24/03."

5. Our offices received the postcard enclosed with the application returned from the United States Patent and Trademark Office acknowledging receipt of the application papers on December 11, 2003. I reviewed the postcard on December 11, 2003.

6. I further declare that all statements made herein of my own knowledge are true, that all statements made on information and belief are believed to be true, and that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both (18 U.S.C. § 1001), and may jeopardize the validity of the application or any patent issuing thereon.

Date: December 11, 2003


Nabeela R. McMillian



RECEIVED
MARSHALL, GERSTEIN & BORUN LLP

DEC 11 2003 6300 SEARS TOWER
 233 SOUTH WACKER DRIVE
MARSHALL GERSTEIN CHICAGO, ILLINOIS 60606-6357
 17497 U.S. PTO
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"Methods of Producing and Purifying Recombinant
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Patent Application Transmittal under 37 CFR §1.53
(& Copy); Title; Specification 41 pages;
claims 2 pages; Abstract; Drawings 20 pages;
sequence listing 7 pages; Preliminary Amendment and
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